

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
3 ALCOHOLIC BEVERAGE CONTROL BOARD

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6 IN THE MATTER OF: :

7 BCI Food Services, LLC : Case #16-PRO-00022

8 t/a Garden District :

9 1801 14th St Northwest :

10 License #ABRA-083769 :

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11  Retailer Class CR :
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12 License Renewal :

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14 Monday May 16, 2016

16 Whereupon, the above-referenced matter
17 came on for hearing at the Alcoholic Beverage
18 Control Board, Reeves Center, 2000 14th Street,
19 N.W., Suite 400S, Washington, D.C. 20009.

1 BOARD'S AGENT:

2 LAVERNE FLETCHER, Presiding

3

4 ALSO PRESENT:

5 THADDEUS CURTZ

6 JOHN CARLOS GREEN

7 JASMINE ROSNER

8 GUY PODGORNIK

9

1 P R O C E E D I N G S

2 [10:06 a.m.] ROLL CALL HEARING

3 CHAIRPERSON FLETCHER: Will the parties
4 in the matter of Garden District please come
5 forward? The parties in the matter of Garden
6 District. This is case #16-PRO-00022, BCI Food
7 Services, L.L.C., trading as Garden District,
8 1801 14th Street Northwest, License #ABRA-083769.
9 This is a Retailer class CR license renewal. The
10 protest issues are adverse impact on peace, order
11 and quiet. My name is LaVerne Fletcher. I'm
12 conducting the Roll Call Hearing as the Board's
13 Agent pursuant to D.C. Official Code 1601.2.
14 Introductions beginning with the applicant.

15 MR. CURTZ: My name is Thaddeus Curtz,
16 and I am one of the owners.

17 CHAIRPERSON FLETCHER: Mr. Curtz would
18 you spell your name for the record, please.

19 MR. CURTZ: T-H-A-D-D-E-U-S, last name is
20 spelled C-U-R-T-Z.

21 CHAIRPERSON FLETCHER: Thank you .

22 MS. ROSNER: Good morning, my name is

1 Jasmine Rosner. J-A-S-M-I-N-E, last name is R-O-
2 S-N-E-R, counsel for BCI Food Services L.L.C.

3 CHAIRPERSON FLETCHER: Okay. Thank you.
4 And present on behalf of ANC 1B?

5 MR. GREEN: Good morning, my name is John
6 Carlos Green, single member and district
7 commissioner.

8 CHAIRPERSON FLETCHER: And John, would
9 you spell your last name, please?

10 MR. GREEN: G-R-E-E-N.

11 CHAIRPERSON FLETCHER: Oh, Green. I
12 don't know what I thought you said, thank you.
13 And present from the Shaw Dupont Citizens
14 Alliance?

15 MR. PODGORNIK: Guy Podgornik. First
16 name is G-U-Y, last name P-O-D-G-O-R-N-I-K.

17 CHAIRPERSON FLETCHER: Thank you very
18 much. ANC-1B does have standing as a protestant.
19 For you, Mr. Podgornik, I have a question. Did
20 the Shaw-Dupont Citizens Alliance give the Garden
21 District at least seven days' notice of the
22 meeting that you held regarding the application?

1 MR. PODGORNIK: Yes.

2 CHAIRPERSON FLETCHER: Do you have
3 documentation to that effect? I didn't see it in
4 the file. I didn't see in the protest letter
5 that notice was given.

6 MR. PODGORNIK: I don't have that with me
7 because our representative is traveling, that
8 usually does this.

9 CHAIRPERSON FLETCHER: I have a letter
10 from -- an e-mail from Thaddeus Curtz informing
11 the ABC Board that they did not receive timely
12 notice of the meeting that you held to discuss
13 the protest and because I have that letter
14 indicating that they were not given notice and
15 you don't have any proof that they were given
16 notice, what I'm going to do is -- and it's not
17 in your protest letter -- which is where it
18 should be. So any time when an association files
19 a protest, you have to put in the protest letter
20 that at least seven days notice was given to the
21 applicant. That's a requirement. And it's okay
22 if it's not, if you bring it here today then I

1 can take it and put it in the record, and for
2 that reason I'm going to have to dismiss the Shaw
3 Dupont Citizens Alliance for not providing the
4 establishment with at least seven days' notice of
5 the meeting; there's no evidence to the effect.
6 However, as you know, you may petition the ABC
7 Board for reinstatement of the protest.

8 MR. PODGORNIK: Okay.

9 CHAIRPERSON FLETCHER: And provide them
10 with the copy of that letter, and any evidence
11 that you have to show that the establishment
12 received notice. And so there's one protestant
13 in this matter, ANC-1B. We need to set a date
14 for a mediation, a status hearing and a protest
15 hearing. I'll give you the dates of the status
16 and protest hearing first. Mr. Podgornik, if you
17 would still write down these dates in case you're
18 reinstated, you would still appear for these
19 hearings.

20 MR. PODGORNIK: Alright.

21 CHAIRPERSON FLETCHER: Thank you. The
22 date of status hearing is June 15th, June 15 at

1 9:30 a.m.

2 MR. CURTZ: You said 9:30?

3 CHAIRPERSON FLETCHER: Yes, at 9:30 a.m.

4 The protest hearing is set for July 27th at 1:30

5 p.m., that's July 27 at 1:30. We need to set a

6 date for mediation. I'll give you the next

7 available date. The next available date for

8 mediation is Tuesday, May 24th at 9:00, 10:00 or

9 11:00.

10 MR. CURTZ: Could we do 9:00?

11 CHAIRPERSON FLETCHER: I'll look here.

12 MR. PODGORNIK: Do we have another date

13 after the 24th?

14 CHAIRPERSON FLETCHER: Yes. The next

15 available date after that is --Thursday, June 2nd

16 at 9:00, 10:00 or 11:00.

17 MR. PODGORNIK: That works.

18 CHAIRPERSON FLETCHER: That work for you

19 Mr. Green? Mr. Curtz? Would that work for you?

20 MR. CURTZ: We're going to do June 2nd

21 instead of the 24th?

22 CHAIRPERSON FLETCHER: Yes.

1 MR. CURTZ: Could we do 9:00 am?

2 CHAIRPERSON FLETCHER: Good on this end.

3 MR. PODGORNIK: 9:00 is fine.

4 CHAIRPERSON FLETCHER: So, mediation is
5 set for Thursday June 2nd, at 9:00. Mr.
6 Podgornik if you petition the Board for
7 reinstatement of your protest, would you please
8 copy Ms. Rosen? Ms. Rosen can you give Mr.
9 Podgornik your contact information because he'll
10 need to let you know if he files a petition for
11 reinstatement.

12 MS. ROSNER: Sure, it's Ms. Rosner, and I
13 will give him my contact information.

14 CHAIRPERSON FLETCHER: Okay. Thank you.
15 Any questions at all? Okay, Roll Call Hearing
16 concluded, thank you.

17 Whereupon the above-entitled matter was
18 concluded.